

# FRIER LEVITT

A T T O R N E Y S   A T   L A W

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Attorneys for Plaintiff-Petitioner, Mohamed M. Kawam, M.D.

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

MOHAMED M. KAWAM, M.D.,

Plaintiff-Petitioner,

vs.

UNITED STATES OF AMERICA, THOMAS M. HARRIGAN, in his official capacity as Deputy Administrator of the Drug Enforcement Administration, ADRIANA DIMICELI, Special Agent – Drug Enforcement Administration, in her individual capacity, THOMAS POPOWICH, Diversion Investigator – Drug Enforcement Administration, in his individual capacity, THOMAS GERMANY, Special Agent – Drug Enforcement Administration, in his individual capacity, JOHN DOES 1 – 20, law enforcement officers, in their individual capacities,

Defendants-Respondents.

Civil Action No. 14-CV-06330 (WJM)(MF)

Hon. William J. Martini, U.S.D.J.

Hon. Mark Falk, U.S.M.J.

### **ORDER GRANTING PLAINTIFF'S MOTION FOR HARDSHIP RELEASE OF SEIZED CURRENCY**

(DEA Asset ID No. 14-DEA-602837, Case No. C3-13-0140)

(On Appeal From DEA Administrative Docket No. 2014-23)

ORAL ARGUMENT REQUESTED

Motion Return Date: December 15, 2014

THIS MATTER having been brought before the Court on the motion of Frier & Levitt, LLC, counsel for Plaintiff-Petitioner, Mohamed M. Kawam, M.D., for an Order pursuant to 18 U.S.C. § 983(f) directing the immediate release of seized U.S. currency on the basis of hardship; and the Court, having read and considered the papers presented, and for good cause shown,

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_ 2014;

**ORDERED** that Plaintiff's Motion for Hardship Release of Seized Currency is **GRANTED**; and it is further

**ORDERED** that the Drug Enforcement Administration is directed to release to Plaintiff's attorneys, within three (3) business days of the date hereof, all original patient files, business records, and other documents seized from Plaintiff's home and office, or, in the alternative, a complete and accurate copy of said documents; and it is further

**ORDERED** that the Drug Enforcement Administration is directed to release to Plaintiff's attorneys, within three (3) business days of the date hereof, the amount of \$52,874.00, via cashier's check with next-day availability; and it is further

**ORDERED** that Plaintiff shall, within three (3) business days of the date of receipt of the monies released pursuant to this Order:

1. Deposit the entirety of the same into an account held in Plaintiff's name, which may be a personal, joint, or business account, at a bank located within the State of New Jersey;
2. Disclose the bank, account number, and beginning balance at the time of deposit of such account to the United States Attorney for the District of New Jersey; and
3. Ensure that a record is maintained, in printed or electronic form, of all monthly statements, and canceled checks or check images, of such account; and it is further

**ORDERED** that Plaintiff is authorized to utilize the monies released pursuant to this Order for any and all reasonable personal, family/household, or business expenses, provided that:

1. Plaintiff posts a bond of ten percent (10%) of the value of the monies released pursuant to this Order with the Clerk of the District Court;
2. Plaintiff maintains, in printed or electronic form, a record of each and every invoice, bill, receipt, or statement payable from the monies released pursuant to this Order; and

3. Plaintiff maintains, in printed or electronic form, an itemized accounting of each and every expense so paid, including the payee name, payment date, amount, and the purpose of payment; and it is further

**ORDERED** that copies of this Order shall be served upon all parties within \_\_\_\_\_ days of the date hereof.

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**HON. WILLIAM J. MARTINI**  
**UNITED STATES DISTRICT JUDGE**